



AN ACT GENERALLY REVISING LAWS RELATED TO STATES' RIGHTS; REQUIRING A REVIEW OF PRESIDENTIAL EXECUTIVE ORDERS BY THE ATTORNEY GENERAL UNDER CERTAIN CIRCUMSTANCES; AND PROVIDING THAT THE STATE, A POLITICAL SUBDIVISION, OR AN ORGANIZATION RECEIVING PUBLIC FUNDS FROM THE STATE MAY NOT IMPLEMENT AN EXECUTIVE ORDER RELATING TO CERTAIN SUBJECTS THAT THE ATTORNEY GENERAL DETERMINES TO BE UNCONSTITUTIONAL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Review of presidential executive orders -- restriction. (1) The legislative council may review an executive order issued by the president of the United States that has not been affirmed by a vote of congress and signed into law as prescribed by the constitution of the United States and recommend to the attorney general and the governor that the executive order be further reviewed. After receiving a recommendation from the legislative council, or on the attorney general's own initiative, the attorney general shall review the executive order to determine the constitutionality of the order and whether to recommend that the state seek an exemption from the application of the order or seek to have the order declared to be an unconstitutional exercise of authority by the president.

(2) The state, a political subdivision, or an organization receiving public funds from the state may not implement an executive order that the attorney general determines to be unconstitutional under subsection (1) and that relates to:

- (a) pandemics or other public health emergencies;
- (b) the regulation of natural resources or their exploration or development, including but not limited to coal and oil;
- (c) the regulation of the agriculture industry;

- (d) the use of land;
- (e) the regulation of the financial sector as it relates to environmental, social, or governance standards; or
- (f) any regulation affecting the constitutional rights of state residents, including but not limited to the right to keep and bear arms.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 2, chapter 1, part 4, and the provisions of Title 2, chapter 1, part 4, apply to [section 1].

- END -

I hereby certify that the within bill,
SB 277, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2021.

Speaker of the House

Signed this _____ day
of _____, 2021.

SENATE BILL NO. 277

INTRODUCED BY T. MCGILLVRAY, D. ANKNEY, M. BLASDEL, K. BOGNER, B. BROWN, J. ELLSWORTH, C. FRIEDEL, C. GLIMM, G. HERTZ, S. HINEBAUCH, D. HOWARD, D. KARY, B. KEENAN, T. MANZELLA, B. MOLNAR, R. OSMUNDSON, K. REGIER, C. SMITH, G. VANCE, J. WELBORN, M. BINKLEY, L. BREWSTER, P. FIELDER, J. FULLER, W. GALT, J. KASSMIER, R. KNUDSEN, D. LENZ, B. LER, T. MOORE, F. NAVE, M. NOLAND, J. PATELIS, B. PHALEN, J. READ, A. REGIER, M. REGIER, V. RICCI, K. SEEKINS-CROWE, D. SKEES, M. STROMSWOLD, B. TSCHIDA, S. VINTON, K. ZOLNIKOV

AN ACT GENERALLY REVISING LAWS RELATED TO STATES' RIGHTS; REQUIRING A REVIEW OF PRESIDENTIAL EXECUTIVE ORDERS BY THE ATTORNEY GENERAL UNDER CERTAIN CIRCUMSTANCES; AND PROVIDING THAT THE STATE, A POLITICAL SUBDIVISION, OR AN ORGANIZATION RECEIVING PUBLIC FUNDS FROM THE STATE MAY NOT IMPLEMENT AN EXECUTIVE ORDER RELATING TO CERTAIN SUBJECTS THAT THE ATTORNEY GENERAL DETERMINES TO BE UNCONSTITUTIONAL.